



**U.S. Department of Justice
U.S. Attorney's Office
Western District of Texas**

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STATEMENT REGARDING UNITED STATES VS. TREY SCOTT ATWATER

United States Attorney Robert Pitman announced today that in the case against Sgt. Trey Atwater, the United States advised during a hearing before United States Magistrate Judge David Counts in Midland, Texas, that the Government is not seeking to continue to detain Sgt. Atwater in custody. In light of the recommendation of Pretrial Services that a bond be set, the Government agreed that appropriate conditions could be fashioned that will adequately address the statutory considerations, which are risk of flight and danger to the community. In light of the information obtained during its investigation, the Government does not believe that Sgt. Atwater will pose a risk of flight if released on conditions. Pursuant to those conditions, two members of the United States Army were in Midland to escort him back to Fort Bragg upon his release. His first-line supervisor at Fort Bragg agreed to serve as a third party custodian of Sgt. Atwater and will report any bond violations by Sgt. Atwater to the Court immediately.

Assistant United States Attorney John Klassen advised Magistrate Judge Counts that the Government considers the incident at the Midland Airport on December 31, 2011 to be very serious. The Federal Bureau of Investigation and the Midland Police Department have conducted a thorough investigation of what occurred, and of Sgt. Atwater, and that investigation continues. Based on the information developed thus far, the Government has uncovered no information that would suggest that Sgt. Atwater intended harm to any aircraft, or to the flying public. The Government believes that with close supervision by the Court and by the United States Army under the conditions recommended by Pretrial Services and imposed by the Court, Sgt. Atwater will not pose a danger to the community.

Pending resolution of this litigation, United States Magistrate Judge David Counts this afternoon ordered that Sgt. Atwater be released on a \$50,000 unsecured bond and into the third party custody of his first-line supervisor at Fort Bragg along with the following conditions: possess no firearms, weapons or explosives of any kind; consume no alcohol; surrender his military passport and refrain from obtaining a new passport; report to Pretrial Services as directed; restrict his travel to North Carolina and Texas absent permission from the Court; and, submit to a mental health evaluation.

Sgt. Atwater, who has remained in federal custody since his arrest at the Midland International Airport on December 31, 2011, is charged by federal criminal complaint with one count of attempting to board an aircraft while in possession of C-4 explosives. No further court dates have been scheduled at this time.

A criminal complaint is merely a charge and should not be considered as evidence of guilt. The defendant is presumed innocent until proven guilty in a court of law.

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